

**Draft Summary of Plenary Group Meeting
Oroville Facilities Relicensing (FERC Project No. 2100)
November 16, 2000**

The Department of Water Resources hosted the kick-off Plenary Group meeting on November 16, 2000 in Oroville. The intent of the kick-off meeting was to set up the organization, structure, and method by which the Plenary Group will work with DWR in its Oroville Facilities relicensing process using the Federal Energy Regulatory Commission's Alternative Licensing Procedures (ALP). DWR will engage a collaborative process to consult with Federal and State resource agencies, Indian Tribes, local organizations, non-governmental organizations (NGOs), and other interested parties.

A summary of the discussion, decisions made, and action items is provided below. This summary is not intended to be a transcript, analysis of the meeting, or to indicate agreement or disagreement with any of the items summarized, except where expressly stated. The intent is to present a summary of the discussion for informational purposes for interested parties who could not attend the meeting.

- Attendees were welcomed to the kick-off Plenary Group Meeting. The meeting objectives were discussed: (1) update on Oroville Facilities relicensing activities and (2) discussion of the proposed three-tiered Group Structure. The Plenary Group Meeting agenda and list of meeting attendees and their affiliation are appended to this summary as Attachment 1 and 2, respectively.
- The facilitator discussed a set of proposed Ground Rules for participants and the facilitator. The Ground Rules were presented as a collection of expected actions and behavior that have worked well in other relicensing processes; the Ground Rules could change to meet the needs of a particular group contingent upon agreement from the group. After some discussion, the participants expressed general agreement with the Ground Rules. The Ground Rules are appended to this summary as Attachment 3.
- The role of the facilitator in the relicensing process was described; the facilitator is a neutral entity and acts as an advocate for the relicensing process, not a particular outcome.
- The facilitator discussed the three-tiered Group Structure proposed for the Oroville Facilities relicensing process; the three tiers are the Plenary Group, Work Groups, and Task Forces. Each tier of the Group Structure was defined, and their purpose and function within the relicensing process was also described.
- The facilitator briefly summarized the results of the Public Meeting held the previous evening on November 15. Some participants expressed concern that the interests mentioned during the Public Meeting was in reality a reiteration of issues raised in the past. Several local representatives asked for a comparison between agreements that were developed over the history of the project and resulting actions by the State. Several participants believed a historical perspective would be useful in the relicensing process. One participant pointed

out that there was considerable information in various bulletins and other documents produced by the Department.

- One participant suggested that all participants engaged in the relicensing process needed to focus on reasonable expectations and not spend too much time discussing issues or desires not pertinent to the relicensing process. Several participants agreed but felt it was still early in the process and that getting the issues out and discussed openly was important. They did not want to limit the focus of the Plenary Group too early in the relicensing process.
- Several questions were raised regarding the Initial Information Package (IIP) described at the November 15 Public Meeting. The facilitator explained that the IIP is an informational document provided to participants and FERC by the licensee as part of the relicensing process. The facilitator further explained that the IIP is distinctive to the relicensing process and does not typically document comparisons of historical agreements and actions as discussed above. The IIP represents the 'state-of-knowledge' with an affected environmental focus that describes existing conditions on which to build when relicensing a hydropower facility. DWR indicated that the IIP would be released in January 2001 and copies will be made available for participants engaged in the relicensing process. The IIP will also be posted on the Oroville Facilities Relicensing web site.
- The potential that a competitor could file an application for a new license for the Oroville Facilities was discussed. To DWR's knowledge, no other agency or group is pursuing a license for the Oroville Facilities. The facilitator explained that by using the ALP, DWR was making a conscious effort to actively include the participants and to work collaboratively to reach settlement agreements for incorporation in the new license. Settlement agreements allow participants to work with DWR using a new set of licensing criteria. Using recreation as an example, the facilitator explained that the Recreation and Socioeconomic Work Group could choose to develop a recreation plan using previously proposed recreation development plans, past plans, new plans, or some combination.
- The Plenary Group was informed that meeting summaries would be posted on the Oroville Facilities Relicensing web site. The facilitator reviewed the Oroville Facilities Relicensing web site address, e-mail address, and toll-free number; each of the three relicensing contacts allows participants to obtain information and provide input or comments in the relicensing process.

Introductions

- Participants were asked to identify themselves, their group affiliation, general interests, and concerns. A list of participants' interests is provided in Attachment 4.

Overview of Relicensing Activities

Communications Protocol

The November 8, 2000 version of the Communications Protocol was distributed to participants. DWR requested that participants submit comments to the

Communications Protocol by December 15, 2000 to allow time to distribute another revision to the Plenary Group before January 18, 2001. The Communications Protocol is a guidance document and is subject to revision. FERC's representative indicated it is appropriate and acceptable to make revisions to the Communications Protocol as the relicensing process proceeds and as the needs of the Plenary and Work groups change. DWR stated that several Indian Tribes and the State Water Contractors provided comments. The Plenary Group will have an opportunity to adopt the Communications Protocol.

A discussion ensued on whether the Communications Protocol needed to be signed by all participants. DWR suggested that there is no legal requirement mandating participants to sign the Communications Protocol. USFWS reminded the Plenary Group that the Communications Protocol is a tool designed to allow FERC staff to discuss issues with participants and the public and is subject to change if necessary. FERC's representative added that the only legally binding document is the set of settlement agreements. The Communications Protocol is unique to the ALP and would not be required if the Department chose to use the traditional licensing procedures.

Informal Meetings

- DWR described several informal meetings that were held with various stakeholder groups. The meetings were characterized as informational and DWR staff provided an overview of the ALP, discussed issues that may arise as part of the relicensing process, and received feedback from the meeting participants.

Formal Request to FERC for Approval of Alternative Licensing Procedures

- DWR stated that the formal request to use the ALP would be submitted to FERC on November 17, 2000. Once received, FERC will notice the request in the Federal Register and solicit comments. Based on feedback received to date DWR believes FERC will approve its ALP request.

Initial Work Group Meetings Scheduled

- To get the process moving, DWR announced that two Work Group meetings have been scheduled for December 7, 2000.
 - Environmental Work Group (a combination of both the Aquatic and the Terrestrial resource areas) will meet from 9:30 am to 3 pm at DWR's Oroville Field Division Office, 460 Glen Drive, Oroville, California.
 - Recreation and Socioeconomics Work Group will meet from 6 pm to 9 pm at the Municipal Auditorium, 1200 Myers Street, Oroville, California.
- Participants expressed concern about future meeting times and locations for Work and Plenary Group meetings. Some participants want meetings scheduled in the evening and on the weekends. The Work Groups and the Plenary Group will develop their own schedules based on the needs of participants.
- DWR stated that six Work Groups were delineated based on common interest areas but the delineation is flexible. The concern was that every issue raised should have an initial home. Many issues are interrelated and relationships will

develop over time and potentially generate special task forces or inter-group teams to address the common issues. Once Work Groups meet and develop issue areas, they could split apart or merge based on the most efficient means of gathering and disseminating information and developing solutions.

- A question was raised if NGOs and local participants should be compensated for travel and other expenses. It was suggested that DWR create a stakeholder funding program.

Alternative Licensing Procedures (ALP)

Group Structure – Plenary Group, Work Groups, Task Forces

A proposed Group Structure was presented to the Plenary Group. Details of the Group Structure are contained in the documents entitled (1) *Proposed Process Structure* and (2) *Proposed Roles and Process*. These two documents are posted on the Oroville Facilities Relicensing web site.

Structure and Purpose – balanced representation approach

- DWR described the need for participants to establish balanced representation within the Plenary Group and Work Groups. All interests need to be represented at the table and have an equal opportunity to participate. DWR indicated it would work toward that balance. The facilitator added that groups could consolidate or form a coalition as they recognize common interests and believe their interests are appropriately represented.

Roles and Process – participation and expectations

- DWR presented their expectations of participant interaction in the relicensing process. The *Proposed Roles and Process* document is based on successful collaborative relicensing processes. Since DWR must file an application by 2005, regardless of the status of settlement agreements derived, it is clearly beneficial to keep focused on the goals of relicensing. This means participants must work diligently to find agreement in issue areas holding the highest interest level within the entire Group Structure.
- Methods by which information would be gathered and disseminated in the relicensing process were discussed. DWR explained that within the proposed Group Structure the Work Groups were responsible for data needs identification and gathering, and the Plenary Group would help provide balance between the various interests. It was acknowledged that the data-gathering component of the relicensing process is critical. The group discussed the level of resources DWR would commit to the relicensing process. Plenary Group Members questioned selection of resource specialists for the Work Groups. DWR explained its plan to use in-house resources and expertise when possible and that consultants were hired to handle issues and areas of expertise not available within DWR.
- A participant asked how decisions would be made. For example, would the Work Group and Plenary Group vote on issues? DWR indicated that the goal of a relicensing process using the ALP is to have groups reach consensus agreements, based on mutual understanding of the issues, compromise, and interest-based negotiations. The Plenary Group queried whether a minority

report could be issued if consensus did not adequately reflect a Work Group's perspective. DWR responded that the participants would determine how results were reported from the various Work Groups and suggested this is a topic for a future meeting.

- The Plenary Group discussed a variety of issues regarding levels of participation such as access to information and development of goals and objectives for the Plenary Group. Specifically, the Plenary Group questioned whether people could access information and become involved without attending meetings. One participant reminded the Plenary Group that participants could disseminate information and assist other interested parties identify their interests through established representative groups. Participants believe many people wish to remain informed on the progress of the relicensing process without participating in Work Group or Plenary Group activities.
- The facilitator stressed that the goal of the relicensing process is to encourage broad participation and that meeting summaries and other information from group activities could be made available over the Oroville Facilities Relicensing web site, mailings, or distributed through third parties (Chamber of Commerce, JPA, etc.). Also, DWR intends to hold public meetings periodically to inform the general public on the progress of the relicensing process. One participant requested the Plenary Group be allowed to consider issues dropped from consideration by Work Groups.
- The group wanted to know if DWR was prepared to allocate sufficient support resources (similar to commitments to the JPA) to the Plenary Group and Work Groups. Some felt these resources should be separate from those available at DWR's Oroville Field Division Office. Specifically, support would be useful in the following areas:
 - Facilitator(s) for all meetings
 - Note taker(s) for all meetings
 - Resource professionals
 - Geographic Information System (GIS) capability
 - Copying Services
 - Computer terminal with Internet access
 - Telephone
 - Secretarial services
- Participants initiated a discussion regarding the fate of Work Group agreements. DWR reiterated the desire to work through the ALP process to develop settlement agreements that were acceptable to the local community. One participant cautioned the group that interest in this process is statewide, and that there are interests from outside the community (i.e., statewide water and power interests) that will also participate in the process. It was suggested 'Area of Origin' and other state laws get factored into any contemplated settlement agreements.

- The group asked DWR to guarantee in writing that the settlement agreements made through the relicensing process would be honored. DWR explained the legal constraints on DWR and the binding nature of settlement agreements accepted by FERC as part of the license application. FERC supported DWR's description of the enforcement inherent in the new license for the facilities. The group suggested that it would be helpful if legal resources were available to Work Groups when settlement agreements were being crafted.
- DWR identified other participants in the relicensing process with statutory authority. This included a discussion of Federal and State agencies with mandatory conditioning authority and the special status of Indian Tribes in the relicensing process. The obligation of FERC to balance developmental and non-developmental objectives in their decision, and the role of intervenors as recognized in the relicensing statute was also discussed. FERC's legislative role was identified as the vehicle to ensure that concerned citizens' perspectives and desires are given equal consideration. The participants briefly discussed dispute resolution techniques and identified it as a topic for the next Plenary Group meeting.
- It was suggested that a number of issues raised at this Plenary Group meeting and during the November 15 Public Meeting could be addressed before completion of the relicensing effort. These issues will be addressed within the appropriate Work Group(s) and considered for priority attention at that time.
- Due to the length of discussions, participants agreed the agenda items not covered during this meeting be included on the next Plenary Group meeting agenda.
- DWR reminded participants that comments regarding the Communications Protocols are due to DWR by December 15. The information will be posted on the Oroville Facilities Relicensing web site and comments will be available for participants to review.

Next Plenary Group Meeting

The Plenary Group agreed to the following date and time for their next meeting.

Date: Thursday, January 18, 2001
 Time: 5 pm to 9 pm
 Location: To be announced

The Plenary Group meeting was adjourned at 3 pm.

Decisions Made

1. Participants expressed general agreement with the Ground Rules.
2. Pending review and comment, there was general agreement to move forward with the *Proposed Group Structure*.
3. The Plenary Group agreed to meet on January 18, 2001 from 5:00 pm to 9:00 pm.

Action Items

The following list of action items identified by the Plenary Group includes a description of the action, the participant responsible for the action, and item status.

- Action Item #1:** Distribute meeting attendance list with contact information.
Responsible: DWR staff.
Due Date: Completed at Plenary Group meeting.
- Action Item #2:** Check Oroville Facilities Relicensing web site to confirm that the latest version of the Communications Protocol and other documents are posted.
Responsible: DWR staff.
Due Date: (determine after meeting.)
- Action Item #3:** Distribute attachments from the Communications Protocol to the Plenary Group.
Responsible: DWR staff.
Due Date: (determine after meeting.)
- Action Item #4:** Determine if Communications Protocol should be signed by participants.
Responsible: Participants.
Due Date: January 18, 2001.
- Action Item #5:** Check with local organizations (Chamber of Commerce, Recreation Department) to coordinate meetings with local calendars to avoid conflicts with local meetings if possible.
Responsible: Facilitator.
Due Date: On-going.
- Action Item #6:** Make summaries of Plenary Group and Work Group meetings available to the mailing list.
Responsible: DWR staff and facilitator.
Due Date: On-going.
- Action Item #7:** Investigate funding and support mechanisms for local participants in Plenary Group and Work Groups: Facilitator, note taker(s), Geographic Information System (GIS), copy services, computer – Internet access, telephone, secretary, office. Include investigation of potential to expand JPA resources to provide support to ALP process.
Responsible: DWR staff, then Plenary/Work Groups.
Due Date: On-going.
- Action Item #8:** Provide comments on Communications Protocol to DWR.
Responsible: All participants.
Due Date: Preferably by December 15, 2000, on-going.

Action Items (cont.)

Action Item #9: Provide comments on (1) *Proposed Roles and Process* and (2) *Proposed Structure and Purpose* documents to DWR.

Responsible: All participants.

Due Date: December 15, 2000.

Action Item #10: Post or otherwise provide comments from participants on (1) *Proposed Roles and Process* and (2) *Proposed Structure and Purpose* documents to Oroville Facilities Relicensing web site and Plenary Group participants.

Responsible: DWR.

Due Date: No later than January 18, 2001.

**Plenary Group Meeting Agenda
Oroville Facilities Relicensing (FERC Project No. 2100)
November 16, 2000**

Agenda

Desired Outcomes

- *Introductions and perspectives of attendees*
 - *Update on relicensing activities*
 - *Introduction and general acceptance of Participants' Roles and Ground Rules*
 - *Understanding and concurrence of milestones and schedule*
 - *Kick-off the Plenary Group and Work Groups activities*
 - *Review public comments to date*
 - *Next steps for Plenary Group and first Work Group meeting*
- 1. Welcome, Attendee Introductions, Meeting Objectives and Meeting Ground Rules**
 - 2. Overview of Relicensing Activities**
 - Communications Protocol
 - Informal Meetings
 - Formal Request to FERC for Approval of Alternative Licensing Procedure
 - 3. Alternative Licensing Procedures (ALP)**
 - Framework – Plenary Group, Work Groups, Task Forces
 - Structure and Purpose – balanced representation approach
 - Roles and Process – participants and expectations
 - FERC's Role
 - 4. Ground Rules for ALP**
 - Discussion of Issues
 - Review and Discussion of Preliminary ALP Ground Rules
 - 5. Milestone Schedule**
 - Initial Information Package
 - Scoping Process
 - Study Plans
 - Field Studies
 - Environmental Assessment and License Application
 - 6. Public Comments**
 - 7. Action Items, Future Meeting Schedule and Next Steps**
 - Work Groups
 - Plenary Group
 - 8. Meeting Evaluation and Ideas for Improvement**

**Plenary Group Meeting Attendees
Oroville Facilities Relicensing (FERC Project No. 2100)**

Dick Akin	Sutter County Supervisor
Gordon Andoe	City of Oroville, Mayor
Art Angle	Enterprise Rancheria
Andy Atkinson	CA Department of Fish & Game
R.J. Beeler	Butte County Supervisor, District I
Ray Bell	Oroville Foundation of Flight, Experimental Aircraft Association Chapter 1112
Marion Blake	The Bulletin, Publisher
Don Blake	Greater Oroville Leadership for Development
Charlton H. Bonham	Trout Unlimited
Sonny Brandt	Feather River Recreation District, JPA
Jim Bryant	Oroville Area Resident
Cipriano Chavez	Concerned Citizen
John Clerici	Public Affairs Management – Facilitation Team
Ron Corso	Mead & Hunt, Inc., Consultant to DWR
Ron Davis	Oroville Pageant Riders
Annette DeBrotherton	First Salmon Ceremony, Native American Coalition
Dick Dunkel	LOFEC, ORAC, Paradise
Wayne Dyok	HARZA / EDAW, Consultant to DWR
Greg Elvine-Kreis	Albietz Law Corporation, Mooretown Rancheria
Ed Ely	State Water Contractors
Jim Fargo	FERC
Craig Fleming	US Fish & Wildlife Service, Anadromous Fish Restoration Program
Kathryn V.Foley	Department of Parks & Recreation
Ray Gannett	Funtime Fulltime Inc., dba Bidwell Marina
Loren Gill	Feather River Nature Center, Lake Oroville Chapter National Wild Turkey Federation, CA Native Plant Society, Berry Creek Improvement Club
Linnea Hanson	Plumas National Forest
Floyd Higgins	Oroville Model Airplane Club
Cathy Hodges	Equestrian, Hiker
Wade Hough	Butte Sailing Club, ORAC
D.C. Jones	Concerned Citizen
Craig T. Jones	State Water Contractors
Mary Keller	Sutter County
Frances Kelley	Butte County Citizens for Fair Government
Mike Kelley	Butte County Tax Payers Association
Anton A. Kismetian	Tulare Lake Basin WSD
Patti Kroen	Public Affairs Management – Facilitation Team
Scott Lawrence	Feather River Recreation & Park District
Bill Lewis	City of Yuba City
Diana Mahmud	Metropolitan Water District
Laurie Mahoney	City of Oroville Parks & Trees Department
Peter Maki	Feather River Nature Center
Don Marquez	Kern County Water Agency
Pam McHenry	Mechoopda Indian Tribe
Sunny McKee	US Department of the Interior - Office of Environmental Policy & Compliance
Mike Meinz	CA Department of Fish & Game
Charles L. Miller	City of Oroville Parks & Trees Department
Michael Morse	US Fish & Wildlife Service
Steve Nachtman	HARZA / EDAW, Consultant to DWR
Vickie Newlin	Butte County Water Resource Conservation
Kathy Papa	Lake Oroville Vista Endurance Ride (equestrian)
Viju Patel	DWR
John Peconom	Kleinschmidt
Irene Perry Club	Democratic
Michael Pierce	ORAC –Butte County Alternate

**Plenary Group Meeting Attendees (cont.)
Oroville Facilities Relicensing (FERC Project No. 2100)**

Douglas Poppelreter	LOFEC, CA4WDC
Henry (Rick) Ramirez	DWR
Merton D. Short	Experimental Aircraft Association Chapter 1112
Pete Soderberg,	The Dangermond Group, (LOJPA)
Lonnie Steedman	Oroville Chamber of Commerce
Bruce L. Steidl	Mooretown Rancheria
Leslie Steidl	Resident
Sharon Stohrer	State Water Resources Control Board
Mike Taylor	Plumas National Forest
Gary Taylor	US Fish & Wildlife Service
Ron Turner	Oroville Foundation of Flight
Mike Vrooman	Resident on Feather River
Don Waltz	CA Department of Boating & Waterways
Lawana Watson	Resident
Susan Weber	DWR
Harry Williamson	National Park Service
Rickie D. Wilson	Enterprise Rancheria
Ed Winkler	Metropolitan Water District

Ground Rules
Oroville Facilities Relicensing (FERC Project No. 2100)

**Meeting Ground Rules for
Participants**

Respect others
Actively participate – commit to success
of the process
Be brief and prepared
One person speak at a time
Oroville Facilities relicensing focus
Listen to each other
Leave 'baggage' at the door
Communicate interests, not positions
Help involve all
Seek solutions for all
No 'gunny sacking'

**Meeting Ground Rules for
Facilitator**

Maintain neutrality
Enforce participant groundrules
Help group accomplish objectives
Help guide discussion
Help involve all
Ask 'why' to clarify
Manage time
Track actions, next steps, and deadlines

**Participant Interests
Oroville Facilities Relicenisng (FERC Project No. 2100)**

- Local economic development
- Plans with assurances that they will be carried out
- Statewide interests in water and power
- Reliable and inexpensive energy and water supply for the local community
- Recreational enhancement
- Promises of the past fulfilled
- Fisheries protected and enhanced
- Facilities operations
- Flood risk management
- Profits generated from the project infused back into the local economy
- Enhancement of hiking and equestrian facilities
- Protection of fish and wildlife species
- Cultural resource protection
- Partnerships with local Indian Tribes for cultural resource enhancement
- Youth needs in the community
- Feather River recreation
- Environmental education
- Relicensing the facility in a cost effective manner
- Stakeholder support for the new license
- Seaplane landing facility
- Model aircraft facility enhancement
- Developing cooperative projects to get things done
- Facilities maintenance
- Upgrades to existing and potential expansion of hydroelectric facilities
- Make the relicensing process work – do not repeat the past
- Resource Conservation
- Preservation of native species
- Anadromous fish protection

Notes from Flip Charts
Oroville Facilities Relicensing (FERC Project No. 2100)

The following list was recorded on flip charts during the Plenary Group Meeting. The flip chart listing is not intended to be a transcript or analysis of the meeting or to indicate agreement or disagreement with the items listed; the intent is to provide a summary for informational purposes for interested parties who could not attend the meeting.

- Distributed attendance list with contact information to the Plenary Group.
- Revisit project boundary to include areas affected when dam was constructed (barrow area).
- Check Oroville Facilities Relicensing web site to make sure the latest version of the Communications Protocol is posted – Send attachments for Communications Protocol to mailing list.
- Check if signature is required for Communications Protocol.
- DWR may want to establish a fund for expenses for participants.
- Check with local organizations (Chamber of Commerce) to coordinate with local calendars.
- Process Protocols
- Permit participants to bring issues to Plenary Group that may be dismissed by a Work Group.
- Make summaries of Plenary Group and Work Group meetings available to mailing list.
- Cultural input should be allowed on all resources.
- Support mechanisms for work groups, and others:
 - Facilitator
 - Note takers
 - Geographic Information System
 - Copy service
 - Computer – Internet access
 - Telephone
 - Secretary
- Who makes resource allocation decisions?
- Provide an office with clerical support and services to support Plenary Group and Work Group efforts.
- Meeting locations.
- Expand JPA resources to provide support in relicensing process. More than DWR Oroville Field Division resources. Perhaps at DWR yard.
- Is DWR being forced to do the ALP process?
- Next Meeting:
 - Thursday, January 18, 2001
 - 5 pm to 9 pm
 - Location to be announced